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14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 ROBERT ARMIGO,

17 Plaintiff,

18 v.

19 OZONE NETWORKS, INC. d/b/a OPENSEA,
 a New York Corporation, YUGA LABS LLC
 20 d/b/a BORED APE YACHT CLUB, a Delaware
 limited liability company; LOOKSRARE; and
 21 DOES 1 to 50,

22 Defendants.

Case No.: 3:22-cv-00112-MMD-CLB

**DECLARATION OF JENNIFER C.
 BRETAN IN SUPPORT OF
 DEFENDANT YUGA LABS' MOTION
 TO DISMISS PLAINTIFF'S
 COMPLAINT**

1 I, Jennifer C. Bretan, hereby declare as follows:

2 1. I am a partner at Fenwick & West LLP, counsel for defendant Yuga Labs. I
3 submit this declaration in support of Yuga Labs' motion to dismiss plaintiff's Complaint (the
4 "Complaint") pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6). I have
5 personal knowledge of the matters set forth below and, if called upon, would testify competently
6 to them.

7 2. Attached as **Exhibit A** is the March 25, 2022 judgment in *Tulip Trading Ltd. v.*
8 *Bitcoin Ass'n for BSV & Others* [2022] EWHC 667 (Ch) BL-2021-000313, in the High Court of
9 Justice, Business and Property Courts of England and Wales, holding that Bitcoin software
10 developers do not owe a common law duty of care to protect cryptocurrency owners from fraud
11 that leads to a loss of their crypto assets.

12
13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed this third day of June, 2022, in Piedmont, California.

15 /s/ Jennifer C. Bretan
16 Jennifer C. Bretan
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INDEX OF EXHIBITS

Exhibit	Description
A	<i>Tulip Trading Ltd. v. Bitcoin Ass'n for BSV & Others</i> [2022] EWHC 667 (Ch) BL-2021-000313

FENWICK & WEST LLP

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on June 3, 2022, a true and correct copy of the **DECLARATION OF JENNIFER C. BRETAN IN SUPPORT OF DEFENDANT YUGA LABS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND EXHIBIT A** was transmitted electronically through the Court's CM/ECF e-filing electronic notice system to all attorneys associated with the above-captioned case.

/s/ Jennifer C. Bretan

Jennifer C. Bretan
Fenwick & West LLP

FENWICK & WEST LLP